

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

United States of America,

Case No: 2:20-cr-00112

Plaintiff,

Judge Graham

v.

David Szeltner,

Defendant.

ORDER

This matter is before the Court upon Defendant David Szeltner's motion for early termination of supervised release. Doc. 45. On April 9, 2021, this Court sentenced Mr. Szeltner to an 24-month term of incarceration, to be followed by a 5-year term of supervised release for the offense of Conspiracy to Possess with Intent to Distribute 5 Kilograms or More of a Mixture or Substance Containing a Detectable Amount of Cocaine. Mr. Szeltner began his term of supervised release on January 9, 2023.

"Early termination of supervised release is a discretionary decision that is only warranted in cases where the defendant shows changed circumstances-such as exceptionally good behavior." *United States v. Atkin*, 38 F. App'x 196, 198 (6th Cir. 2002) (citing *United States v. Lussier*, 104 F.3d 32, 36 (2d Cir. 1997)). Under 18 U.S.C. §3583(e), the Court may

- (1) terminate a term of supervised release and discharge the defendant released at any time after the expiration of one year of supervised release, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation, if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice.

18 U.S.C. §3583(e)(1).

Mr. Szeltner has served more than 1 year of supervised release, and therefore meets the threshold requirement for early termination. Furthermore, Mr. Szeltner has demonstrated

compliance with the conditions of his supervised release. He argues that the conditions of supervision—namely, travel restrictions—impede his ability to advance his career.

Nevertheless, both the government and Mr. Szeltner's probation officer oppose his motion for early termination, citing the fact that he has not yet served half of the term of supervision originally imposed. Furthermore, the government contends that the structure of continued supervision is warranted in light of Mr. Szeltner's past issues with substance abuse, and that, regardless, his low reporting requirements cause "minimal interference" in his life. Doc. 47, # 169. While the Court commends Mr. Szeltner for his performance on supervision and wishes him well in his employment, the Court agrees with the government and probation that early termination is not appropriate.

After considering and weighing the statutory factors and the information in the record, the Court concludes that early termination of supervised release is not warranted at this time. Defendant's motion for early termination of supervised release (doc. 45) is therefore **DENIED**.

IT IS SO ORDERED.

DATE: April 18, 2025

s/ James L. Graham
JAMES L. GRAHAM
United States District Judge